

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE: ) Chapter 11  
 )  
EASTERN LIVESTOCK CO., LLC ) Case No. 10-93904-BHL-11  
 )  
Debtor. ) Hon. Basil H. Lorch III

**APPLICATION TO EMPLOY WIMBERLY LAWSON WRIGHT DAVES & JONES,  
PLLC AS SPECIAL COUNSEL TO CHAPTER 11 TRUSTEE**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), respectfully moves this Court for an order, substantially in the form attached hereto as Exhibit A, authorizing the Trustee to employ the firm of Wimberly, Dawson, Wright, Daves & Jones, PLLC (the "Firm") to serve as Trustee's counsel with respect to the prosecution of claims against Delbert Hawkins ("Mr. Hawkins"). On or around December 10, 2009, the Firm filed a complaint (the "Complaint") on behalf of Eastern Livestock Co., LLC ("Debtor") against Mr. Hawkins with the Circuit Court for Hamblen County, Tennessee (the "State Court"). A true and accurate copy of the Complaint is attached hereto as Exhibit B. The Trustee seeks authority to retain the Firm to prosecute the Complaint. In support of this application ("Application"), the Trustee respectfully represents the following:

1. The Trustee wishes to employ the Firm, each of whose attorneys is duly admitted to practice in the State Court.
2. The Firm represented the Debtor with respect to Debtor's claims against Mr. Hawkins prior to the filing of this Chapter 11 Case and the appointment of the Trustee. The Trustee believes that the Firm is well qualified to continue prosecution of the Complaint in the State Court. The estate's retention of the Firm to move forward with the Complaint will conserve estate resources and avoid duplicative expense.

3. The Firm is disinterested as that term is defined in 11 U.S.C. § 101. It neither represents nor holds any interest adverse to the interests of the bankruptcy estate with respect to the matters on which the Firm is to be employed. Except as provided in the *Affidavit of Mary Moffatt Helms In Support Of Application To Employ Wimberly, Dawson, Wright, Daves & Jones, PLLC As Special Counsel To Chapter 11 Trustee* ("Helms Affidavit") attached as Exhibit C, the Firm represents no entity in connection with this case and it has no connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

4. Subject to Court approval, and in accordance with Section 330(a) of the Bankruptcy Code, and any order authorizing interim compensation procedures by this Court, the Trustee desires to employ the Firm on an hourly fee basis at its rates for similar employment, plus reimbursement of all actual and necessary expenses incurred by the Firm in connection with this engagement. The primary attorneys and paralegals within the Firm who will represent the Trustee and their current standard hourly rates are:

<u>PROFESSIONAL</u>	<u>TITLE</u>	<u>RATE</u>
Mary Moffatt Helms	Member	\$150.00

These hourly rates are subject to periodic adjustments to reflect economic and other conditions. The Trustee believes the proposed rates are reasonable.

5. No actual conflict of interest exists with respect to the Firm's proposed representation of the Trustee and the Firm's representation of any other client.

WHEREFORE, the Trustee respectfully requests that the Court enter an order approving his employment of Wimberly, Dawson, Wright, Daves & Jones, PLLC pursuant to the terms described herein, and for all other just and proper relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Dustin R. DeNeal

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## CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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